

Message Text

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ORIGIN EA-12

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FM SECSTATE WASHDC
TO AMEMBASSY TAIPEI PRIORITY

S E C R E T STATE 161511

E.O. 11652: XGDS-3

TAGS: PINT, SHUM, TW

SUBJECT: CH'EN CHU

REFS: A) TAIPEI 03972; B) STATE 157528;
C) TAIPEI 03925

1. 2 FAM 227-229 IS THE LATEST STATEMENT OF USG REFUGEE
POLICY AND GUIDELINES. WHILE THE UNITED STATES HAS NOT
ADOPTED THE PRACTICE OF GRANTING DIPLOMATIC ASYLUM,
TEMPORARY REFUGE CAN BE GIVEN TO PERSONS THREATENED BY
SERIOUS, IMMINENT PHYSICAL DANGER. THE DIFFERENCE BETWEEN
DIPLOMATIC ASYLUM AND TEMPORARY REFUGE IS THAT A PERSON
GRANTED TEMPORARY REFUGE WOULD HAVE TO LEAVE THE EMBASSY
WITH CONCURRENCE OF DEPT UPON CESSATION OF THE ACTIVE
DANGER AND UPON RECEIPT OF ASSURANCES FROM THE ESTABLISHED

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GOVERNMENT THAT SUCH A PERSON WOULD NOT BE DETAINED OR
ELSE WOULD BE GIVEN DUE PROCESS SHOULD ANY LEGAL PROCEED-
INGS BE PENDING AGAINST HIM.

2. IT IS NOT REPEAT NOT USG POLICY TO GRANT ASYLUM AT
U.S. EMBASSIES OR TO GRANT "TEMPORARY REFUGE" EXCEPT IN
UNUSUAL CIRCUMSTANCES. SHOULD MISSCH'ENAPPEAR AT EMBASSY

UNDER CIRCUMSTANCE NOT JUSTIFYING "TEMPORARY REFUGE"
OR IF SHE IS UNWILLING TO LEAVE EMBASSY OF HER OWN FREE

WILL, EMBASSY SHOULD INFORM DEPT BY IMMEDIATE CABLE
AND REQUEST INSTRUCTIONS.

3. EMBASSY SHOULD FIND AN EARLY OPPORTUNITY TO MAKE
EXPLICIT TO MISS CH'EN'S SUPPORTERS THAT USG POLICY IS
NOT REPEAT NOT TO GRANT ASYLUM TO ANYONE WHO IS NOT
UNDER U.S. TERRITORIAL JURISDICTION. (I.E. TO GRANT
ASYLUM ONLY IN THE U.S. BUT NOT AT EMBASSIES OR
CONSULATES ABROAD). REFUGEE STATUS CAN NOT REPEAT NOT
BE CONFERRED ON A PERSON IN HIS/HER OWN COUNTRY. (FYI:
THERE IS A POSSIBILITY THAT MISS CH'EN COULD BE PAROLED
INTO THE U.S. TO QUALIFY AS A REFUGEE SHE WOULD HAVE
TO APPLY FROM A THIRD COUNTRY. HOWEVER, PAROLE IS NOT
ASSURED SINCE DEPARTMENT WOULD HAVE TO APPROACH INS WITH
A REQUEST FOR PAROLE. WHETHER WE WOULD DO SO, AND
WHETHER INS WOULD ACCEDE TO OUR REQUEST IF WE DID, IS
NOT AT ALL CERTAIN). EMBASSY SHOULD NOT REPEAT NOT
DISCUSS "TEMPORARY REFUGE" POSSIBILITY WITH EITHER
MISS CH'EN'S SUPPORTERS OR GROC.

4. EMBASSY SHOULD ALSO MAKE CLEAR TO HER SUPPORTERS
THAT USG CANNOT BECOME ASSOCIATED OR IDENTIFIED WITH
ANY PARTICULAR POLITICAL TENDENCY OR GROUP IN ANOTHER
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COUNTRY. NO ONE SHOULD BEGIN A COURSE OF POLITICAL
ACTIVITY BASED ON THE ASSUMPTION THAT THE USG WILL INTER-
VENE IF HE OR SHE GETS IN TROUBLE WITH THE AUTHORITIES.

5. EMBASSY SHOULD ALSO NOW TELL MOFA THAT IF IT ARRESTS
MISS CH'EN HER DETENTION WILL UNDOUBTEDLY BE VIEWED IN
THE U.S., AND ESPECIALLY BY CONGRESS, AS A MAJOR HUMAN
RIGHTS ISSUE. EVEN IF ALLEGATIONS OF COMMUNISM OR
SEDITION ARE MADE IN THE CASE, CONGRESS AND AMERICANS
WILL SEE HER ARREST AS A VIOLATION OF THE DEMOCRATIC
RIGHTS OF THOUGHT, POLITICAL ACTIVITY AND SPEECH.
SHOULD THE GROC ARREST HER AND TRY HER IN A MILITARY
COURT, THE REPERCUSSIONS WILL BE PARTICULARLY NEGATIVE.
GROC SHOULD UNDERSTAND THAT A HIGHLY VISIBLE CONTROVERSY
ON THIS CASE WOULD INEVITABLY CAUSE DEBATE ON THE EXTENT
OF HUMAN RIGHTS VIOLATIONS IN THE ROC AND THAT A FINDING
THAT THE ROC IS A "SERIOUS" OR "GROSS" VIOLATOR OF HUMAN
RIGHTS WOULD, AS A MATTER OF EXPLICIT LEGISLATION,
AFFECT OUR COOPERATIVE RELATIONSHIPS IN A VARIETY OF
FIELDS, ECONOMIC, MILITARY AND OTHER. THIS POINT SHOULD
BE MADE INFORMALLY TO CHANG HSIAO-YEN. EMBASSY, AT
ITS DISCRETION, MAY MAKE POINT TO WANG MENG-HSIEN AS WELL.

6. AS THIS CABLE WENT TO PRESS, KUO YU-SHIN CALLED TO
INFORM DEPARTMENT THAT MISS CH'EN HAD BEEN ARRESTED
"YESTERDAY". NO SOURCES WERE CITED.
VANCE

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NNN

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